UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 January 2004_.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-36_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _01/23/2004_.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5)☐ Notice of Informal Patent Application
6)☐ Other: _____

DETAILED ACTION

- Claims 1-36 are presented for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent
therefor, subject to the conditions and requirements of this title.

Claims 17, 28 and 32 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. 17, 28 and 32 recite "a

computer readable medium." Communications media typically embody computer-

readable instructions, data structures, program modules, or other data in a modulated data signal

such as a carrier wave or other transport mechanism and include any information-delivery media.

By way of example, and not limitation, communications media include wired media, such as

wired networks and direct-wired connections, and wireless media such as acoustic, radio,

infrared, and other wireless media. The term computer-readable media as used herein includes

both storage media and communications media."(0029). Therefore, the claimed

invention calls for a signal per se which is not tangibly embodied so to be

executable. According to the patent law, one may patent something that is a

machine, manufacture, composition of matter or a process. However, a signal

per se does not fall in any one of the categories of process, machine,

manufacture or composition of matter so to be given a patentability weight.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another
> filed in the United States before the invention thereof by the applicant for patent, or on an
> international application by another who has fulfilled the requirements of paragraphs (1),
> (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for
> patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed

before November 29, 2000. Therefore, the prior art date of the reference is

determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-

AIPA 35 U.S.C. 102(e)).

Claims 1-10, 12-30 and 32-36 are rejected under 35 U.S.C. 102(e) as being

anticipated by Panec et al USPN (7249195), hereinafter "Panec".

As per claim 1, 7, 17, 27 and 33-36, Panec teaches a network environment that

includes at least a first and second computing system that are capable of

communicating messages with each other in a message exchange pattern, a method for a first computing system enforcing the message exchange pattern to reduce the chance that messages that are invalid at any given point in the message exchange pattern are transmitted to the second computing system to thereby preserve network bandwidth and processing resources (see abstract and Fig. 1), the method comprising the following:

an act of tracking progress through the message exchange pattern (col. 3, lines 28-42 and col. 10, lines 62 to col. 11, line 6); an act of detecting a request from a component to transmit a message to the second computing system (col. 9. lines 30-49; abstract and fig. 3);

an act of determining that the message is not a valid message given the tracked progress through the message exchange pattern (col. 9. lines 5-49); and an act of notifying the component that the message is not a valid message (col. 10, lines 26-35 and col. 14, lines 12-20).

As per claim 2 and 22, Panec teaches wherein the act of tracking progress through the message exchange pattern comprises the following: an act of maintaining a state transition tree representing the message exchange pattern, wherein transitions from a first state to a second state occur upon the transmission or receipt of one or more valid messages for the first state.

As per claim 3 and 23, Panec teaches the invention wherein the message is a HyperText Transport Protocol (HTTP) message (col. 7, liens 24-35).

As per claim 4 and 24, Panec teaches the method in accordance with claim 1, wherein the message is a Simple Object Access Protocol (SOAP) message (col. 7, liens 24-35)

As per claim 5 and 25, Panec teaches the wherein a type of message is specified in a SOAP header of the message, wherein the act of determining that the message is not a valid message given the tracked progress through the message exchange pattern comprises the following: an act of reading the SOAP header of the message (col. 9, liens 50-63) .

As per claim 6 and 26, Panec teaches the wherein the message is an RMI invocation (col. 13, liens 29-63).

As per claim 8, ,28 and 32, Panec teaches the further comprising the following: an act of identifying a role of the first computing system in the message exchange pattern, wherein the act of determining that the second message is a valid message is performed in light of the identified role (col.7, liens 31-60).

As per claim 9,10 and 29, Panec teaches the, further comprising the following: an act of loading state information related to the message exchange pattern from persistent memory to system memory in response to the act of detecting a

request to transmit the second message to the second computing system (col.

6, lines 26-35 and col. 15, lines 41-49); an act updating the state information

to represent the transmission of the second message to the second computing

system upon transmitting the second message to the second computing

system; and saving the updated state information(col. 6, lines 26-35 and col.

15, lines 41-64).

As per claim 12, Panec teaches the method in accordance with claim 1,

wherein the message exchange pattern includes a plurality of application layer

messages (col. 7, liens 24-35 and col. 8, lines 21-29).

As per claim 13, Panec teaches the method in accordance with claim 12,

wherein the message exchange pattern includes a plurality of protocol layer

messages (col. 7, liens 24-35 and col. 8, lines 21-29).

As per claim 14, Panec teaches the method in accordance with claim 1,

wherein the message exchange pattern includes a plurality of protocol layer

messages (col. 7, liens 24-35 and col. 8, lines 21-29).

As per claim 15, Panec teaches the method in accordance with claim 1,

wherein the message exchange pattern includes the transmission of one or

more messages in which the message exchange pattern is identified and agreed

to between the first computing system and the second computing system (col.

9. lines 5-49 and col. 16, lines 28-47).

As per claim 16, Panec teaches the method in accordance with claim 1, further

comprising the following: an act of identifying a role of the first computing

system in the message exchange pattern, wherein the act of determining that

the message is not a valid message is performed in light of the identified role

(col. 9, lines 5-49 and col.7, liens 31-60).

As per claims 18-21, Panec teaches the invention wherein the one or more

computer-readable media are physical media. System memory, persistent

memory and magnetic disk (see fig.5 Item 504).

 As per claims 30, Panec teaches the computer program product in accordance

      with claim 17, further comprising the following: an act of loading state

 information related to the message exchange pattern from persistent memory

 to system memory in response to the act of detecting a request to transmit the

 first message to the second computing system (col. 14, line 52 - col. 15, line 3).

Claim Rejections - 35 USC § 103

        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject
matter sought to be patented and the prior art are such that the subject matter as a whole
would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived by
the manner in which the invention was made.

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Panec et al USPN (72491950.

As per claim 11 and 31, Panec teaches the invention as explained above

including tracking messages including invalid messages and marinating a

correlation between messages associated with the log of the response

message(s) and the log of the request message (col. 15, lines 41-64). However,

Panec does not teach clearing system memory of the updated state information

upon the act of notifying the component that the message is not a valid

message. Nevertheless this feature is well known in art. One ordinary Skill in

the art would modify the system of Panec to include a feature of clearing the log

history upon notifying a component that message are invalid. One would do so

in order to avoid keeping outdates message in the memory space, in this way

disk space are utilized efficiently.

Conclusion

The prior made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Yasin M Barqadle/

Examiner, Art Unit 2153